IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24466 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RANJANA HARISH DWIVEDI - Petitioner(s)

Versus

HIGH COURT OF GUJARAT - Respondent(s)

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Appearance :

MR HEMANG R RAWAL for Petitioner(s) : 1,
MR JB PARDIWALA for Respondent(s) : 1,

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CORAM :
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 03/03/2006

ORAL JUDGMENT

Rule. Mr.Pardiwala, the learned advocate waives service of rule. The petitioner is before this Court seeking the only relief that,

> “This Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondent-authority to issue a cheque in the favour of the petitioner of Rs.31,523/- with interest @ 18% till the date of making payment to the petitioner from the date of order directing the registry to invest for the period of three years a sum of Rs.31,523/- in the nationalised Bank.”

The Court issued notice on 23rd December 2005.

2. Mr.Pardiwala, the learned advocate appears for the respondent. Mr.Pardiwala does not contend and rightly so that the authority is duty bound to comply with the order passed by this Court (Coram: C.V. Jani, J.) dated 6th November 1990 in Special Civil Application No.6449 of 1990, which reads as under:

> “Rule. The petitioner has deposited an amount of Rs.31,523/- as per order of this Court dated 29/8/1990. Hence, prayer made in para 17(1) of

the petition is granted. The amount deposited in this court by the petitioner will be invested in fixed deposit for a period of 3 years in a nationalised Bank in the name of Registrar of this Court. Expedited." (emphasis supplied)

3. That being so, the petition is allowed. The authorities are directed to comply with the order, passed below the Note filed in Special Civil Application No.6449 of 1990, by this Court (Coram: A.R. Dave, J.), the relevant part of which reads as under:

"4. Looking to the terms of the settlement and the order dated 15.2.2002, whereby the petition, has been disposed of, it is ordered that a sum of Rs.31,523/- deposited with the Registry of this Court, along with interest thereon, should be paid to respondent no.1. The cheque shall be handed over to the learned advocate appearing for respondent no.1."

4. Mr.Oza, the learned advocate appearing for Mr.Hemang R. Raval for the petitioner requested that let there be a time frame to make the said payment. Mr.Oza, the learned

advocate appearing for the petitioner also requested that suitable direction as prayed for in clause (D) of para 11 may also be issued.

Mr.Pardiwala, the learned advocate submitted that the authority has already initiated a departmental inquiry and he assures the Court that needful will be done in the matter. Therefore, no order is required.

5. The authorities are directed to make this payment on or before 30th April 2006. The petition is allowed. Rule is made absolute with no order as to costs.

(RAVI R. TRIPATHI, J.)

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